



**Deval L. Patrick**  
Governor

# **The Commonwealth of Massachusetts**

## **Executive Office of Public Safety and Security**

One Ashburton Place, Room 2133  
Boston, Massachusetts 02108

Tel: (617) 727-7775

TTY Tel: (617) 727-6618

Fax: (617) 727-4764

[www.mass.gov/eops](http://www.mass.gov/eops)

**Andrea Cabral**  
Secretary

### **Procedures for Responding to Discrimination Complaints from Employees, Clients, Customers, Program Participants, or Consumers of the Executive Office of Public Safety and Security's Recipients and Subrecipients of State and Federal Grants**

#### **I. Purpose**

This document establishes procedures for employees of the Executive Office of Public Safety and Security (EOPSS), including employees of the Office of Grants and Research (OGR), to follow when they receive a complaint alleging discrimination from an employee, applicant for employment, client, customer, program participant, or consumer of an EOPSS/OGR grant recipient or subrecipient. This document also includes specific policies and procedures applicable to subrecipients implementing funding from the U.S. Department of Justice (DOJ).<sup>1</sup>

#### **II. Policy**

Under Executive Order 526, all programs, activities, and services provided, performed, licensed, chartered, funded, regulated or contracted for by the EOPSS shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status, or background. Likewise, all individuals have the right to participate and be treated equally in programs and activities of EOPSS grant recipients or subrecipients regardless race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status, or background, and EOPSS grant recipients or subrecipients may not discriminate against employees or applicants for employment. EOPSS seeks to ensure that all recipients and subrecipients comply with Executive Order 526 and all applicable state and federal laws regarding discrimination, including, but not limited to:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin in the delivery of services (42 U.S.C. § 2000d), and, with respect to programs funded by DOJ, the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart C;
- The Omnibus Crime Control and Safe Streets Act of 1968, which prohibits discrimination on the basis of race, color, national origin, religion, or sex in the delivery of services and employment

---

<sup>1</sup> The procedures for handling complaints from employees, applicants, clients, customers, program participants, or consumers of EOPSS or OGR alleging discrimination by EOPSS or OGR are set forth in the Commonwealth of Massachusetts Office of Diversity and Equal Opportunity's Guidelines for Implementing Executive Order 526.

practices (42 U.S.C. § 3789d(c)(1)), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart D;

- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (29 U.S.C. § 794), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart G;
- Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability in the delivery of services and employment practices (42 U.S.C. § 12132), and the DOJ implementing regulations at 28 C.F.R. Part 35;
- Title IX of the Education Amendments of 1972, which prohibit discrimination on the basis of sex in educational programs (20 U.S.C. § 1681), and the DOJ implementing regulations at 28 C.F.R. Part 54; and
- The Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services (42 U.S.C. § 6102), and the DOJ implementing regulations at 28 C.F.R. Part 42, Subpart I.
- The DOJ regulations on the Equal Treatment for Faith-Based Organizations, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on inherently religious activities (28 C.F.R. Part 38).

These laws also prohibit retaliating against an individual for taking action or participating in action to secure rights protected by these laws.

### III. Definitions

**Discrimination:** Is the unfair treatment because of an individual's membership in a particular group. Treating an individual differently from others similarly situated with respect to the terms, conditions or privileges because he or she is a member of a class protected by law. It may involve, but is not limited to:

- A. harassment, by creating, or allowing to exist, an environment hostile to an individual's membership in a protected class;
- B. failing to provide an individual a reasonable accommodation to an individual's disability; or
- C. pursuing a practice or policy, which, while it appears neutral on its face, has a disproportionate impact on individuals who are members of a protected class.

**Diversity Officer:** The EOPSS employee responsible for receiving and acting upon complaints of discrimination.

**Grant Manager:** The EOPSS/OGR employee assigned as the primary point of contact between EOPSS/OGR and the grant recipient or subrecipient, with the responsibility for managing the recipient or subrecipient's grant related activities and compliance with the requirements of a particular grant award.

**Retaliation:** The law and this policy protect the individual's right to file a complaint without retaliation. Retaliation against a person who files a complaint based on a reasonable belief that a violation has occurred, whether or not the allegation proves to be true, is in itself illegal.

#### **IV. Complaint Procedures**

The following are the procedures that EOPSS/OGR will follow for accepting and responding to discrimination complaints from applicants, employees, clients, customers, program participants, or consumers of EOPSS/OGR grant recipients or subrecipients.

- 1) The Diversity Officer is responsible for coordinating the series of actions described herein. The EOPSS/OGR Diversity Officer can be contacted at:  
  
One Ashburton Place, Rm. 2133  
Boston, MA 02108  
617-727-7775
- 2) An applicant, employee, client, customer, program participant, or consumer of an EOPSS/OGR grant recipient may file a complaint of discrimination in a letter, in an email, in person, or over the phone to the Grant Manager or the Diversity Officer.
- 3) If a Grant Manager receives a complaint of discrimination, the Grant Manager shall immediately refer the complaint to his or her division head, who will immediately forward the complaint to the Executive Director, who will forward it to the Diversity Officer.
- 4) The Diversity Officer will provide the complainant with written acknowledgement of receipt of the complaint. The acknowledgement will include notification to the complainant that he or she may file a complaint directly with an external agency and, in the case of DOJ-funded programs, the DOJ Office for Civil Rights (OCR) within the Office of Justice Programs, and a list of relevant external agencies, including contact information.
- 5) The Diversity Officer, with the assistance of the EOPSS General Counsel's office, will determine whether EOPSS will investigate the complaint before referring it to an external agency such as the Massachusetts Commission Against Discrimination, the U.S. Equal Employment Opportunity Commission (EEOC), or OCR, or whether EOPSS will forward the complaint to an external agency without further investigation.
- 6) The Diversity Officer will notify the complainant in writing of any referral or if it determines not to make a referral.
- 7) The Diversity Officer will track the resolution of any complaint referred to an external agency and shall notify the Executive Director of the results of the referral. In the case a finding of discrimination is made, the Executive Director, in consultation with OGR staff and EOPSS General Counsel, may implement corrective action with the grant recipient or subrecipient, including the possibility of termination of any current grant(s) and/or disqualification from participation in future grants.

## **V. Notification and Training**

A copy of these Procedures for Responding to Discrimination Complaints will be posted on EOPSS/OGR's website and will be distributed to all recipients during the contracting process and relevant training sessions. Training materials will reference applicable federal civil rights laws, regulations and obligations to comply with said regulations.

OGR's grant monitoring practices will include an annual review of subrecipients' compliance with having procedures in place to respond to discrimination complaints that employees, applicants, clients, customers, program participants, or consumers file directly with the subrecipient. The review will be conducted utilizing a civil rights compliance checklist. At a minimum, subrecipients' procedures should include referring the complaint to EOPSS/OGR, or another appropriate external agency; notifying EOPSS/OGR of any discrimination complaints that the subrecipient does not refer to EOPSS/OGR; and notifying the complainant that he or she may file a complaint of discrimination directly with the EOPSS/OGR.

OCR offers technical assistance and training programs to subrecipients of DOJ funding to meet federal civil rights requirements. Subrecipients will be informed of OCR's online training program available at <http://www.ojp.usdoj.gov/about/ocr/assistance.htm> and technical assistance by contacting [askOCR@ojp.usdoj.gov](mailto:askOCR@ojp.usdoj.gov).